

REMARKS

Claims 70-76 are pending. Claims 70-76 have been amended. Applicants reserve the right to pursue the original and other claims in this and any other application.

Claims 70, 71, and 75 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Newlin (U.S. Patent No. 6,186,151) ("Newlin"). The rejection is respectfully traversed.

Claim 70 recites a hair clip comprising, *inter alia*, "a body shaped to extend around a region for receiving hair from a first pivot portion to a second pivot portion...." Newlin, by contrast, discloses a body 26 designed to receive a hairbrush. Indeed, Newlin's purpose is to provide a combined hairclip and hairbrush. Modifying Newlin to incorporate "a body shaped to extend around a region for receiving hair from a first pivot portion to a second pivot portion," as claimed by Applicant, would not have been obvious because doing so would require removal of the hairbrush and thereby negate the purpose of the Newlin invention. For at least these reasons, the rejection of claim 70 over Newlin should be withdrawn and the claim allowed.

Claim 71 depends from claim 70 and is allowable over Newlin for at least the reasons stated above with respect to claim 70. In addition, Newlin fails to teach or suggest using a part cylindrical body and part cylindrical jaws to "define a substantially cylindrical volume for receiving hair," as claimed by Applicant. For at least these reasons, the rejection of the claim 71 should be withdrawn and the claim allowed.

Claim 75 recites a hair clip comprising, *inter alia*, "a body having a part cylindrical inner surface [and] jaws having ... a part cylindrical inner surface ... such that when said jaws are in a closed position ... said inner surface of said body and said inner surface of said jaws define a substantially cylindrical volume for receiving hair...." The Office Action asserts that the difference between Newlin and the claimed invention is a "mere change of shape" but ignores the function of the claimed shape. Newlin's purpose is to provide a combined hairbrush and hairclip. Thus, according to Newlin, a hairbrush extends into the volume defined by the body

and the jaws. This is essential to achieve the Newlin's purpose. However, this also restricts the capacity of the volume to receive and hold hair. Applicant's claimed invention, by contrast, provides "a body having a part cylindrical inner face" and "jaws having ... a part cylindrical inner surface" that "define a substantially cylindrical volume for receiving hair...." Newlin does not teach or suggest this configuration. Indeed, Newlin teaches away from the claimed invention because concealment of a hairbrush within the hairclip is essential to Newlin's purpose. Therefore, the rejection of claim 75 should be withdrawn and the claim allowed.

Claim 75 further recites "a spring arrangement ... concealed between said body and said jaws when said jaws are in the closed position." Newlin, by contrast, discloses an exposed spring arrangement 32. Because, according to Newlin, the body 26 is shaped to house a hairbrush, it does not provide for concealment of the spring arrangement 32. (See Newlin's FIG. 4.) Applicant's claimed invention thus provides an improved aesthetic appearance compared to Newlin because "said spring arrangement is concealed between said body and said jaws when said jaws are in the closed position." This is yet another reason why the rejection of claim 75 should be withdrawn and the claim allowed.

Claims 72 and 73 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Newlin in view of Sartena (U.S. Patent No. 6,135,125) ("Sartena"). The rejection is respectfully traversed.

Claim 72 recites a hair clip comprising, *inter alia*, "a body having a main portion and two spaced hinge portions, said main portion and said hinge portions defining a region into which hair is urged during use...." According to Newlin, however, a hairbrush extends into the volume defined by the body and jaws. This is essential to achieve the Newlin's purpose – providing a combined hairbrush and hairclip. However, extending a hairbrush into the volume defined by the body and jaws also restricts the capacity of the volume to receive and hold hair. In contrast to Newlin, Applicant's claimed invention provides "hinge portions defining a region into which hair is urged during use...." Newlin fails to teach or suggest this configuration. Indeed, Newlin teaches away from the claimed invention since concealment of a hairbrush within the hairclip is

essential to Newlin's purpose. Sartena does not cure the failings of Newlin. Therefore, the rejection of claim 72 should be withdrawn and the claim allowed.

Claim 73 recites a hair clip comprising, *inter alia*, "a part cylindrical body shaped to extend circumferentially around a region for receiving hair from a first pivot portion to a second pivot portion ... part cylindrical jaws ... being pivotally connected to said body at said pivot positions such that when said jaws are in a closed position ... said body and said jaws define said region for receiving hair...." The Office Action asserts that the difference between Newlin and the claimed invention is a "mere change of shape" but ignores the function of the claimed shape. Newlin's purpose is to provide a combined hairclip and hairbrush. Thus, according to Newlin, the hairbrush extends into the region defined by the body and the jaws. Modifying Newlin to incorporate "a part cylindrical body shaped to extend circumferentially around a region for receiving hair," as claimed by Applicant, would not have been obvious because doing so would require removal of the hairbrush and thereby negate the purpose of the Newlin invention. Sartena does not cure the failings of Newlin. For at least these reasons, the rejection of claim 73 over Newlin should be withdrawn and the claim allowed.

Claims 74 and 76 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Newlin in view of Lloyd (U.S. Patent No. 6,142,159) ("Lloyd"). The rejection is respectfully traversed.

Claim 74 recites a hair clip comprising, *inter alia*, "a part elongate-hollow body having two spaced pivot portions; and jaws ... being pivotally connected to said pivot portions of said body such that when said jaws are in a closed position ... said jaws and an inner region of said part elongate-hollow body define an elongate-hollow volume for receiving hair, and said jaws urge hair into an inner region of said part elongate-hollow body." According to Newlin, however, a hairbrush extends into the volume defined by the body and jaws. This is essential to achieve the Newlin's purpose – providing a combined hairbrush and hairclip. However, this also limits the capacity of the volume to receive and hold hair. Applicant's claimed invention, by contrast, provides "jaws and an inner region of said part elongate-hollow body [that] define an

elongate-hollow volume for receiving hair [and] jaws [that] urge hair into an inner region of said part elongate-hollow body.” Newlin fails to teach or suggest this configuration. Indeed, Newlin teaches away from the claimed invention since concealment of a hairbrush within the hairclip is essential to Newlin’s purpose. Lloyd does not cure the failings of Newlin. Therefore, the rejection of claim 74 should be withdrawn and the claim allowed.

Claim 76 recites a hair clip comprising, *inter alia*, a “spring arrangement ... concealed between said body and said jaws when said jaws are in the closed position.” Newlin, by contrast, discloses an exposed spring arrangement 32. Because, according to Newlin, the body 26 is shaped to house a hairbrush, it does not provide for concealment of the spring arrangement 32. (See Newlin’s FIG. 4.) Applicant’s claimed invention thus provides an improved aesthetic appearance because the spring arrangement is “concealed between said body and said jaws when said jaws are in the closed position.” For at least this reason, the rejection of claim 76 should be withdrawn and the claim allowed.

Claim 76 further recites “a body portion; [and] jaws having teeth extending therefrom and being pivotally connected to said body portion such that when said jaws are in a closed position said teeth mesh in a substantially parallel plane and said body portion and said jaws define an elongate-hollow volume for receiving hair....” By contrast, according to Newlin, the teeth of each jaw simply lie adjacent to one another at an angle when the jaws are in the closed position. Meshing the teeth in a “substantially parallel plane” is neither taught nor suggested by Newlin. Indeed, significant modification of the Newlin design would be required to achieve this claimed feature since, according to Newlin, the teeth do not approach one another in substantially opposed directions but rather at an angle. (Contrast Applicant’s FIG. 1 with Newlin’s FIG. 1.)

Meshing teeth in a substantially parallel plane, as claimed by Applicant, provides at least two benefits – the hair clip sits better on a wearer’s head because the teeth are substantially parallel to the skin, and the volume available for holding hair within the clip is greater. By contrast, the angled meshing design taught by Newman causes the teeth to face towards the skin

of the wearer. This design is far less comfortable for the wearer and reduces the volume within the hair clip available to hold hair. The Office Action asserts that it would have been obvious to modify Newlin in view of Lloyd. However, Lloyd discloses a very different type of hair clip than Newlin. To combine the designs would require inventive selective of compatible features. For at least all of these reasons, the rejection of claim 76 should be withdrawn and the claim allowed.

In view of the above, Applicants submit that the pending application is in condition for allowance and respectfully request that it be passed to issue.

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